

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DWIGHT ABERNATHIE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CARL HART, <i>et al.</i> ,	)	No. 4:23-CV-01044-RLW
	)	
Defendants.	)	
	)	
	)	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE**  
**RESPONSIVE PLEADING**

Defendants respectfully request an additional thirty days to file a responsive pleading in the above captioned case and state as follows:

1. Plaintiff filed this complaint on August 22, 2023.
2. It is undersigned counsel's understanding that Defendants currently employed by the Missouri Department of Corrections (MDOC) were served with the complaint on September 21, 2023.
3. By rule, these Defendants' deadline to respond to Plaintiff's claims would be October 12, 2023.
4. MDOC recently tendered the matter to the Attorney General's Office for representation of the MDOC employees.

5. The complaint additionally includes allegations against individuals who are no longer employed by MDOC, for acts allegedly done while performing their official duties when previously employed by MDOC.
6. Accordingly, undersigned counsel requires additional time to determine the scope of the undersigned's representation, confer with all defendants, gather information regarding Plaintiff's claims, and prepare a response.
7. The undersigned certifies this motion for extension is not filed for any vexatious purpose and is not intended to delay or impede the speedy resolution of Plaintiff's claims.
8. Defendants respectfully request thirty days to file a responsive pleading in the above captioned case.

Respectfully submitted,

**ANDREW BAILEY**  
Attorney General

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2023, the foregoing was filed electronically with the Clerk of the Court, to be served on all counsel of record by operation of the Missouri Case.net e-filing system.

/s/ Eric Donoer  
Assistant Attorney General